

April 10, 1975

Now what we're doing is giving some local government the right to control around it. Just exactly like England tried to do. She tried to control all the territory around her without any votes. I for one don't look on that with a lot of favor.

SENATOR BEREUTER: May I respond to that Senator Keyes?

SENATOR KEYES: I'd like you to.

SENATOR BEREUTER: I know you feel strong about this, but I have to respectfully tell you that your argument with . . . is with current law. This doesn't change it at all. If you want to change it, well go ahead, but I'm not proposing that. This bill has no effect on what you're suggesting. You're wrong in one other respect. Zoning is never done by an appointed body. A planning commission may make the recommendation to the county board, but the only people that can enact zoning ordinances are county governments, city governments, and village governments.

PRESIDENT: Senator Schmit are you ready now?

SENATOR SCHMIT: Mr. President, members of the Legislature, I'd like to ask Senator Bereuter a couple of questions please.

SENATOR BEREUTER: Yes Senator Schmit.

SENATOR SCHMIT: Senator Bereuter, I apparently wasn't listening. Senator Dworak said you had listed the counties that presently do not have plans. Could you list them for me again, please?

SENATOR BEREUTER: I listed the four counties that are not underway, or do not have a plan. They happen to be Jefferson, . . . and that would be effected by the bill.

SENATOR SCHMIT: Yes.

SENATOR BEREUTER: Jefferson, Dawes, Red Willow and Wayne.

SENATOR SCHMIT: Then, if I understand the bill correctly, this is what it would do. If a village would say we do not have a plan and would prefer not to have a plan and do not accept the responsibility, then that responsibility would revert to the county. If the county chose not to accept the responsibility, it could then revert to the state. Is that right?

SENATOR BEREUTER: No Senator Schmit.

SENATOR SCHMIT: Would you then explain to me what would be the process.

SENATOR BEREUTER: There is no provision for land use regulation moving to the state level in this bill, and none intended. If the county doesn't act, well there's no penalty clause. Furthermore, it relates only to those counties, the possibility exists for the county picking up a villages responsibility only in those counties that have first class cities. So in your legislative district it would relate to Platte county, but only Platte county. It would effect, therefore, potentially the village of Humphrey, as an example.